

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 829

Introduced by Assembly Member Duvall

February 22, 2007

An act to amend Section 27156 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 829, as amended, Duvall. Vehicles: aftermarket parts: motorcycles: air pollution.

Vehicles in this state, with certain exceptions, are required to be equipped with correctly installed, operational motor vehicle pollution control devices or systems, with specified exceptions.

This bill would allow aftermarket and performance parts to be sold and installed on motorcycles, under specified circumstances, where the parts have valid State Air Resources Board Executive Orders ~~that demonstrate State Air Resources Board certification~~. Board certified aftermarket and performance parts would be allowed to be installed by a motorcycle dealer for display purposes, and the dealer would be required to carry certain signage.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27156 of the Vehicle Code is amended
2 to read:

1 27156. (a) No person shall operate or leave standing upon a
2 highway a motor vehicle that is a gross polluter, as defined in
3 Section 39032.5 of the Health and Safety Code.

4 (b) No person shall operate or leave standing upon a highway
5 a motor vehicle ~~which~~ *that* is required to be equipped with a motor
6 vehicle pollution control device under Part 5 (commencing with
7 Section 43000) of Division 26 of the Health and Safety Code or
8 any other certified motor vehicle pollution control device required
9 by any other state law or any rule or regulation adopted pursuant
10 to that law, or required to be equipped with a motor vehicle
11 pollution control device pursuant to the National Emission
12 Standards Act (42 U.S.C. Secs. ~~1857f-1 to 1857f-7~~ 7521 to 7550,
13 inclusive) and the standards and regulations adopted pursuant to
14 that federal act, unless the motor vehicle is equipped with the
15 required motor vehicle pollution control device that is correctly
16 installed and in operating condition. No person shall disconnect,
17 modify, or alter any such required device.

18 (c) No person shall install, sell, offer for sale, or advertise any
19 device, apparatus, or mechanism intended for use with, or as a part
20 of, a required motor vehicle pollution control device or system
21 that alters or modifies the original design or performance of the
22 motor vehicle pollution control device or system.

23 (d) If the court finds that a person has willfully violated this
24 section, the court shall impose the maximum fine that may be
25 imposed in the case, and no part of the fine may be suspended.

26 (e) “Willfully,” as used in this section, has the same meaning
27 as the meaning of that word prescribed in Section 7 of the Penal
28 Code.

29 (f) No person shall operate a vehicle after notice by a traffic
30 officer that the vehicle is not equipped with the required certified
31 motor vehicle pollution control device correctly installed in
32 operating condition, except as may be necessary to return the
33 vehicle to the residence or place of business of the owner or driver
34 or to a garage, until the vehicle has been properly equipped with
35 such a device.

36 (g) The notice to appear issued or complaint filed for a violation
37 of this section shall require that the person to whom the notice to
38 appear is issued or against whom the complaint is filed produce
39 proof of correction pursuant to Section 40150 or proof of
40 exemption pursuant to Section 4000.1 or 4000.2.

1 (h) This section shall not apply to an alteration, modification,
2 or modifying device, apparatus, or mechanism found by resolution
3 of the State Air Resources Board to do either of the following:

4 (1) Not to reduce the effectiveness of a required motor vehicle
5 pollution control device.

6 (2) To result in emissions from the modified or altered vehicle
7 that are at levels that comply with existing state or federal standards
8 for that model year of the vehicle being modified or converted.

9 (i) Aftermarket and performance parts with valid State Air
10 Resources Board Executive Orders ~~that demonstrate State Air~~
11 ~~Resources Board certification~~ may be sold and installed prior to,
12 or concurrent with, a motorcycle's transfer to an ultimate purchaser.

13 (j) Aftermarket and performance parts with valid State Air
14 Resources Board Executive Orders ~~that demonstrate State Air~~
15 ~~Resources Board certification~~ may be installed for display purposes
16 on a motorcycle at a licensed motorcycle dealer, but the dealer
17 shall carry signage identifying the legal for street use parts and
18 modifications that a prospective purchaser of a motorcycle may
19 order, purchase, and have installed at the point and time of
20 purchase.

21 (k) This section applies to motor vehicles of the United States
22 or its agencies, to the extent authorized by federal law.